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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/738,437  | 12/17/2003  | Daniel G. Wolfe      | 3432.2.2.1          | 8807             |
| 21552   | 7590        | 11/01/2005           | EXAMINER            |                  |
| MADSON & METCALF<br>GATEWAY TOWER WEST<br>SUITE 900<br>15 WEST SOUTH TEMPLE<br>SALT LAKE CITY, UT 84101 |             |                      | POPE, DARYL C       |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2632                |                  |

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/738,437 | <b>Applicant(s)</b><br>WOLFE ET AL. |  |
|                              | <b>Examiner</b><br>DARYL C. POPE     | <b>Art Unit</b><br>2632             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### **ART REJECTION:**

#### ***Claim Rejections - 35 USC § 103***

2. **Claims 1-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kail, IV(6,940,402) in view of Hoffman et al(6,239,700).**

-- In considering **claims 1,46,59, and 67** the claimed subject matter that is met by Kail IV(Kail) includes:

1) the monitoring device that is physically attachable to portable property even if the portable property is relocated is met the portable monitoring unit(12) which is affixed to living subjects(such as animals) or inanimate subjects(see: abstract, lines 9-10), thereby implying that it is sized and adapted to be usable with a variety of different types of personal property;

2) the controller is met by the microprocessor(22);

3) the transceiver in electronic communication with the controller and capable of communicating with a user transceiver is met by the microprocessor(22) being in electronic communication with the first transceiver(26) for allowing communication with transceiver(50) of the central monitoring device(14) that is utilized by a user of the system via communication link(16)(see: column 4, lines 23-30; column 6, lines 14-20);

4) the at least one sensor in electronic communication with the controller and the sensor monitoring a condition of the property is met by the sensors(28).

- **Kail does not show:**

1) the communications interface in electronic communication with the controller and transceiver and for providing audible information to be transmitted to the user.

Although Kail does not specifically teach a communications interface configured to provide audible information to be transmitted to the user transceiver, Kail does state that one or more sensors, including audio/visual sensors may be utilized for implementation into the sensor(28)(see: column 2, lines 28-34). In related art, Hoffman et al(Hoffman) discloses a security and tracking system which utilizes a portable signaling unit(20) that includes a speaker/microphone(32) which allows sounds proximate to the monitoring devices to be transmitted to via two-way communication with a central monitoring station(see: column 8, lines 57-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the speaker/microphone(32) of Hoffman into the audio sensor(28) of Kail such that audible information would have been provided to a user of the system, since Kail already suggests implementation of this sensor, and as well would have helped provide the most comprehensive monitoring data to a user of the system.

-- With regards to **claim 2**, the monitoring device being configured to execute programming commands received from the user transceiver is met by the units(12) executing commands as received from the central monitoring devices(14, column 6, lines 27-35).

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-- With regards to **claims 3-9**, the examiner takes Official Notice that in the remote device monitoring art, use of voice menu systems, DTMF detectors for decoding received DTMF tones, voice synthesizers, internal microphones, and voice recognition systems capable of recognizing audible words is well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the above stated devices into the system of Kail in view of Hoffman, since Kail suggests implementation of a cellular communication system(see: column 6, lines 1-20), and Hoffman already teaches use of a cellular telephone system including data to voice switch(114) as a communication link between a portable unit(20) and a central station(80). Therefore implementation of the above stated devices into the already existing cellular telephone system would have been obvious since the above stated devices are conventional devices found in cellular telephone systems, and would have facilitated the intercommunication of information in the system, since voice recognition and synthesizing would have alleviated the necessity of inputting pressed key commands and/or visual displays for controlling the functions of the system.

-- With regards to **claim 10**, the memory of the monitoring device is met by the memory(44).

-- With regards to **claim 11**, although use of a real-time clock is not specifically shown by Kail, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a real-time clock into the unit(12) of Kail, since Kail desires real time monitoring(see: abstract, lines 1-2) by the unit(12), and therefore incorporation of a real time clock would have helped ensure that real time signals would

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have been available to the unit(12) without reliance upon external sources for providing real time.

-- **Claims 12 and 14** recite subject matter that is met as discussed in claim 1 above(see: Kail, column 2, lines 28-34).

-- With regards to **claim 13**, the examiner takes Official Notice that in the remote monitoring art, use of cameras as sensing devices are well known. Since Kail suggests implementation of various types of sensing devices, including audio/visual sensors, into the sensors(28, column 2, lines 28-34), it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a visual sensor, such as a camera, into the sensors(28) since this would have provided a well known and reliable means for providing sensed visual data to a user of the system.

-- With regards to **claim 15**, the display module is met by the display(Kail, 34, column 4, lines 52-56).

-- With regards to **claim 16**, all of the claimed subject matter is met as discussed in claim 1 above, as well as:

1) the primary battery is met by the power source(42).

- **Kail does not show:**

1) the low battery sensor, and secondary battery.

With regards to the low battery sensor, use of portable monitoring units including low battery sensors is well known in the art. In related art, Hoffman discloses a security and tracking system which includes a portable monitoring unit(20) that includes a low battery sensor(122). It would have been obvious to one of ordinary skill in the art at the

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time the invention was made to incorporate the low battery sensor(122) of Hoffman into the unit(12) of Kail, since adequate battery power would have been necessary in order for the unit to operate properly, and therefore, implementation of a low battery sensor would have alerted a user of the unit when a low battery condition would have existed, thereby ensuring that adequate power would have been provided to the unit at all times.

Furthermore, although not specifically shown, the examiner takes Official Notice that in the portable monitoring unit art, use of secondary batteries are well known, and therefore, as discussed with reference to the low battery sensor above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a secondary battery into the unit(12) of Kail, so as to help ensure that adequate power would have been provided to the unit at all times, even in the event that the primary battery would have shut down.

-- With regards to **claim 17**, the examiner takes Official Notice that in the remote sensor art, use of RF transmitters in portable monitoring units is well known in the art, and therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a RF transmitter into the transceiver(26), since this would have provided a well known inexpensive, and reliable means of communicating signals in the system.

-- With regards to **claim 18**, the GPS device is met by the location determining device(Kail, 38, column 5, lines 18-25).

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-- With regards to **claim 19**, the receptor that allows communication with an external security device is met by the transceiver(26) which allows communication with the central monitoring device(14).

-- **Claim 20** recites subject matter that is met as discussed in claim 1 above.

-- With regards to **claim 21**, the alarm system is met by the audio/visual communicator(Kail, 36).

-- With regards to **claims 22-23**, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a siren and lights configured to illuminate the area proximate the device into the communicator(36) of Kail, since Kail suggests use of a tone generator and flashing lights(see: column 4, lines 52-56), and therefore a siren and lights would have provided an adequate means for alerting a user of the unit to take responsive action.

-- With regards to **claims 24-27**, the information storage unit, interrupt controller, key press interface, and sound generator are met by the memory(44), manual input device(32) and audio and/or visual communicator(36, column 4, lines 46-56).

-- **Claims 28-31** recite subject matter that is met as discussed in claims 1-9 above.

-- With regards to **claim 32**, the memory is met by the memory(Kail, 44).

-- **Claim 33** recites subject matter that is met as discussed in claim 11 above.

-- With regards to **claim 34**, the tracking device is met by the location determining device(Kail, 38, column 5, lines 18-25).

-- **Claim 35** recites subject matter that is met as discussed in claim 16 above.

-- **Claim 36** recites subject matter that is met as discussed in claim 21 above.



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- **Claim 37** recites subject matter that is met as discussed in claim 23 above.
- **Claim 38** recites subject matter that is met as discussed in claim 20 above.
- **Claim 39** recites subject matter that is met as discussed in claim 12 above.
- **Claim 40** recites subject matter that is met as discussed in claim 13 above.
- With regards to **claim 41**, the step of sending a confirmation to a user transceiver for confirming execution of a programming command is met(see: Kail, column 8, lines 21-33).
- With regards to **claim 42**, the information storage unit capable of storing information gathered by the at least one sensor and at least one input device is met by the memory(44) of the microprocessor which shares storage functions with other components of the unit including sensors(28)(see: Kail, column 5, lines 6-10).
- **Claim 43** recites subject matter that is met as discussed in claim 25 above
- **Claim 44** recites subject matter that is met as discussed in claim 26 above.
- **Claim 45** recites subject matter that is met as discussed in claim 27 above.
- With regards to **claim 47**, the step of activating the tracking transmitter to facilitate locating the monitoring device is met by the querying of the unit(12) to report status(see: column 7, lines 65 et seq), which causes an activation signal to be sent to the microprocessor(22) of the unit(12, column 8, lines 3-7), thereby causing the microprocessor to gather information from sensors and sending location information as a part of sensor information sent to the monitoring device(14, column 9, lines 3-16).
- With regards to **claim 48**, the step of executing a programming command received from the user transceiver is met by the microprocessor(22) of the unit(12) performing

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functions in accordance with commands as received from the device(14)(see: Kail, column 7, lines 65 et seq; column 8, lines 1-3).

-- With regards to **claim 49**, the step of sending a confirmation to a user transceiver to confirm execution of the programming command is met by the microprocessor causing transmission of an reprogramming update success/failure message to the central monitoring device(see: Kail, column 8, lines 21-29).

-- With regards to **claims 50-51** and **54-55**, firstly the examiner takes Official Notice that in the remote monitoring art, use of cameras as sensing devices are well known. Since Kail suggests implementation of various types of sensing devices, including audio/visual sensors, into the sensors(28, column 2, lines 28-34), it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a visual sensor, such as a camera, into the sensors(28) since this would have provided a well known and reliable means for providing sensed visual data to a user of the system.

Secondly, the examiner takes Official Notice that in the remote monitoring art, use of monitoring devices which receive programming commands to activate/deactivate various devices in a monitoring devices is well known. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate programming commands which control activation/deactivation of various devices in the unit(12) of Kail, including sensors, alarms, microphone, cameras, etc., since Kail already teaches that the central monitoring device(14) provides programming commands which enable activation/deactivation, reconfiguration, etc. to the

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microprocessor(22) of the unit(12)(see: Kail, column 7, lines 65 et seq; column 8, lines 1-33), and therefore, allowing activation/deactivation control of sensors, alarms, microphones, cameras, etc. of the units(12) would have enhanced the configuration and power management qualities of the monitoring unit(12) as desired by a user of the system.

-- With regards to **claims 52-53**, the programming command for resetting the monitoring device and turning the monitoring device on or off at a selected time is met by the microprocessor(22) of the unit(12) receiving reconfiguration/reprogramming commands from the monitoring device(see: Kail, column 8, lines 21-28), and as well, the microprocessor receiving programming commands for power management of the monitoring device(see: column 5, lines 5, lines 17).

-- With regards to **claim 56**, the examiner takes Official notice that in the remote monitoring art, use of passwords for verification purposes prior to providing information to a user is well known, and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a password verification step into the system of Kail in view of Hoffman, since this would have helped ensure that only authorized personnel would have been able to access and control the monitoring units and all transmitted data.

-- With regards to **claim 57**, the step of reviewing information provided to a user transceiver is met(see: Kail, column 8, lines 28-33).

-- **Claim 58** recites subject matter that is met as discussed in claim 3 above.

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-- With regards to **claim 60**, the step of sending a confirmation to a user transceiver for confirming execution of a programming command is met(see: Kail, column 8, lines 21-33).

-- **Claim 61** recites subject matter that is met as discussed in claim 3 above.

-- With regards to **claim 62**, the at least one input device is met by the manual input device(32) of the unit(12), and the information storage unit capable of storing information gathered by the at least one sensor and at least one input device is met by the memory(44) of the microprocessor, and other components of the unit(see: column 5, lines 6-10).

-- **Claim 63** recites subject matter that is met by Kail in view of Hoffman as discussed in claim 1 above.

-- With regards to **claim 64**, Kail does not specifically teach use of a keypad, but does utilize a manual input device(32) which allows communication with the microprocessor(22) and thereby allowing communication via transceiver(26)(see: Kail, column 4, lines 46-64). Use of keypad interfaces for monitoring units is well known in the art. In related art, Hoffman discloses keypad(22) for powering and controlling operation of the unit(20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the keypad(22) of Hoffman into the device(32) of Kail, since Kail suggests implementation of a keypad into the manual input device(see: column 4, lines 50-52).

-- With regards to **claim 65**, upon implementation of an RF transmitter into the system of Kail in view of Hoffman as discussed in claim 17 above, it would have been obvious

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to one of ordinary skill in the art at the time the invention was made to incorporate an internal FR sensor positioned proximate to the antenna(not shown) of the transceiver(26) of Kail, or any other necessary means which would have helped provide the efficient transmission and reception of signals in the system.

-- With regards to **claim 66**, the examiner takes Official Notice that in the cellular/digital telephone art, use of receive progress information regarding telephone calls made or received by the transceiver is a conventional feature of these telephone that is well known in the art.

Therefore, since Kail already discussed utilization of a cellular telephone system for intercommunication of information in the systems(see: column 6, lines 1-20), it would have been obvious to one of ordinary skill in the art at the time the invention made to incorporate a conventional cellular/digital telephone, including call progress information, into the monitoring unit(12) of Kail, since this would have allowed monitoring and tracking features to be combined with an already existing device that allows telephone usage as well as sensor and alarm monitoring features.

-- With regards to **claim 68**, the transceiver communicating directly with a user transceiver is met by the first transceiver(26) communicating directly with second transceiver(50) of central monitoring device via communication link(16) as seen in figure 1.

-- **Claim 69** recites subject matter that is met as discussed in claim 67 above.

-- With regards to **claims 70-71**, the transceiver signal being processed by a communications network and in particular a server in the network and ultimately sent to

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the user transceiver is met by the signals between the units(12) and device(14) being processed by a cellular telephone communications system including cell sites(70) and MTSO(72)(see: Kail, column 6, lines 1-14).

**REMARKS:**

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-71 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C. POPE whose telephone number is 571-272-2959. The examiner can normally be reached on M-TH 9:00-7:30.

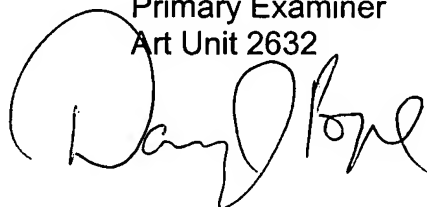
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DANIEL J. WU can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daryl C. Pope

Oct. 29, 2005

DARYL C POPE  
Primary Examiner  
Art Unit 2632

A handwritten signature in black ink, appearing to read "Daryl C. Pope", is written over the printed name and title.